

A blue silhouette of a person standing and pulling a curtain to the right. The curtain is represented by several vertical lines of varying lengths, some of which are being held by the person's hand.

# Beyond the Curtain

When Someone Doesn't  
Know They Need Help





# Our Vision and Mission

Strong families – South Dakota's foundation and our future

## The South Dakota Department of Social Services

is dedicated to strengthening and supporting individuals and families by promoting cost effective and comprehensive services in connection with our partners that foster independent and healthy families.

# The Division of Behavioral Health

The Division of Behavioral Health (DBH) provides oversight of the publicly funded behavioral health system and supports individuals of all ages with behavioral health needs.

## Publicly Funded Behavioral Health Services

- Outpatient mental health services
- Outpatient and inpatient substance use disorder treatment services
- Support and recovery services
- Crisis and prevention services





# About HSC

The South Dakota Human Services Center (HSC) is a licensed specialty hospital and the state's only public psychiatric hospital.

## Publicly Funded Behavioral Health Treatment Services

- Inpatient Psychiatric Treatment
- Adult Inpatient Substance Use Disorder Treatment
- Skilled Nursing Home Care



# Who We Are



Randee Peterson, BA, CAC,  
Substance Use Disorder  
Program Manager  
Division of Behavioral Health



Jessie Foote, LCSW, LAC  
HSC Deputy Administrator  
Human Services Center

# Panelists



Raelene Broz, BA, LAC  
Program Director AD  
Lewis and Clark Behavioral Health Services



Kim Hansen  
Community Support Services Director  
Southeastern Behavioral Health



Kari Johnston, LPC-MH, QMHP  
Executive Director  
Human Service Agency



Aimee Janvrin, MA, LPC-MH, QMHP  
Associate Executive Officer & Clinical Director  
Behavior Management Systems

# Presentation Objectives

The purpose of this presentation is to inform on the crisis resources and the involuntary commitment process in South Dakota.

## **Presentation Outline:**

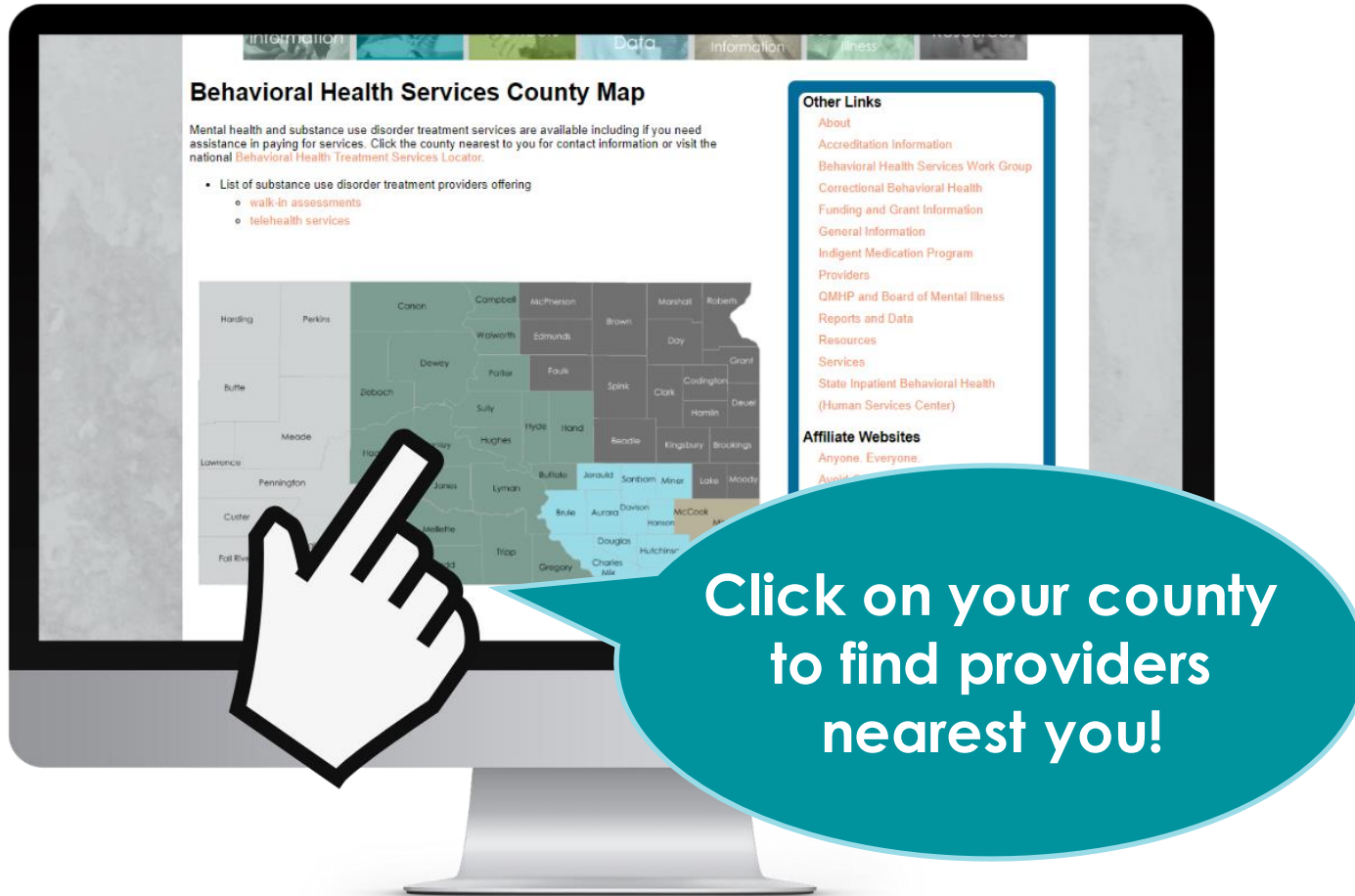
1. The Substance Use Involuntary Commitment (IVC) Process
2. The Mental Health Petition for Emergency Hospitalization and Commitment
3. Admission and Discharge at the Human Services Center
4. Panel of community providers

## **By the end of this presentation the audience should...**

- Gain knowledge of the criteria for an involuntary commitment for substance use
- Develop an understanding of the mental health petition for involuntary hospitalization and commitment process
- Gain an understanding of the admissions and discharge process at the Human Services Center
- Recognize that there are community-based options if an individual does not meet commitment criteria

# Find Services in Your Area

Visit: [www.DSS.sd.gov/BehavioralHealth/agencycounty.aspx](http://www.DSS.sd.gov/BehavioralHealth/agencycounty.aspx)





## Poll #1

Who may file a petition for an IVC and Mental Health commitment?

- A.) A Certified or Licensed Addiction Counselor
- B.) A physician
- C.) A family member
- D.) Any person 18+

Answer: D.) Any person 18+

# Criteria for Substance Use Disorder Involuntary Committal

The individual must meet the statutory criteria in SDCL [34-20A-70](#).

Not every person that drinks alcohol or uses drugs is eligible to be committed. In order to be committed, a person must be intoxicated, incapacitated, or be a pregnant substance using woman.

- An intoxicated person is a person who demonstrates diminished mental or physical capacity as a result of the use of alcohol or other drugs. (SDCL § 34-20A-2 (10))
- An incapacitated person is a person who, as a result of the use of alcohol or other drugs, is unconscious, or whose judgment is otherwise impaired that he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment. (SDCL § 34-20A-2 (8))
- A pregnant substance user is a pregnant woman who lacks self-control with alcohol, controlled drugs, and/or illegal substances to the extent that the woman's health and/or the health of her unborn child is substantially impaired or endangered.

## Poll #2

The Substance Use IVC and Mental Health commitment processes are...

- A.) A legal process
- B.) A clinical process
- C.) Both A & B

Answer: C.) It is a legal process that is informed and supported by clinical assessments.



# Substance Use Involuntary Commitment Process

## Step 1-Petition

Any Responsible Person may apply for a petition by contacting the Clerk of Courts in the county in which the person resides or is currently present.



Clerk of Courts will give written petition to Judge who will appoint an attorney to represent the petitioner.



An addiction counselor will complete assessment and make treatment recommendation.



Attorney submits a petition to the court within 5 days.

# Substance Use Involuntary Commitment Process

## Step 2-Hearing

The individual has a right to their own attorney.

The Court has 10 business days to hold a hearing.

The person submitting the petition and the addiction counselor may be asked to testify.

The individual will be present in court unless their presence is likely to be injurious to the individual.

# Substance Use Involuntary Commitment Process

## Step 3-Commitment

Treatment services will be arranged by the addiction counselor completing the assessment based on their recommendation.

The commitment period is up to 90 days. The actual length is based on the individual's needs.

## Poll #3

True or False? The commitment process for Mental Health mirrors that of a Substance Use IVC.

Answer: B.) False



# Mental Health Petition for Emergency Commitment





# Petition for Emergency Commitment- Mental Health

Involuntary treatment may be necessary due to the severity of an individual's symptoms.

Any person, 18+ years old, may complete a petition for emergency commitment through the Board of Mental Illness within their county. The petition must state the factual basis for concluding that the individual has:

- Serious Mental Illness(SMI) or Serious Emotional Disturbance (SED), and
- The severity of the condition is such that immediate intervention is needed to protect them and/or others from physical harm

STATE OF SOUTH DAKOTA )  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn on oath, depose and state the following:

1. I believe, on the basis of my personal knowledge, that \_\_\_\_\_ is severely mentally ill and, as a result of such illness, is a danger to self or others and in need of immediate intervention.

2. The specific nature of the danger is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. I believe such danger exists because of the follow information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The above person came to by attention based on these facts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Petitioner interest in this case is a \_\_\_\_\_  
\_\_\_\_\_

# Board of Mental Illness Petition for Emergency Commitment

6. Information as to the above person to be evaluated is as follows:

Address: \_\_\_\_\_  
Age: \_\_\_\_\_ Marital Status: \_\_\_\_\_ Occupation: \_\_\_\_\_  
Name of nearest relative (or guardian): \_\_\_\_\_  
Address of nearest relative (or guardian): \_\_\_\_\_

7. Supplemental information as to the above person to be evaluated:

(a) Do you have any information that the above person has a "chronic disability" as defined in the Chronic Disability information EXHIBIT YES\_\_\_ NO\_\_\_

If "Yes," please submit Chronic Disability Information Exhibit A, which shall be incorporated into this Petition by this reference.

(b) Are there any persons not listed above, with knowledge of the above person, whose information could be helpful in an evaluation of this person? Yes\_\_\_ No\_\_\_

If "Yes," please submit supplemental information with this Petition.

<https://dss.sd.gov/docs/behavioralhealth/HSC/petitionforemergencycommitment.pdf>

# Chronic Disability Information

“Chronic Disability” is defined as “a condition evidenced by a reasonable expectation, based on the person’s psychiatric history, that the person is incapable of making an informed medical decision because of a severe mental illness, is unlikely to comply with treatment as shown by a failure to comply with a prescribed course of treatment outside of an inpatient setting on two or more occasions within any continuous twelve month period, and, as a consequence, the person will be a danger to self or others.” SDCL 27A-1-1 (4).

<https://dss.sd.gov/docs/behavioralhealth/HSC/qmhpchronicdisabilityinformationexhibita.pdf>

1. I, \_\_\_\_\_ (please print clearly), believe that \_\_\_\_\_ has a chronic disability, as defined above.
2. Specifically, this person’s psychiatric history shows that this person is incapable of making an informed medical decision because of a severe mental illness and is unlikely to comply with treatment as shown by a failure to comply with a course of treatment prescribed by \_\_\_\_\_ (a doctor, board or court), on \_\_\_\_\_ (date(s) prescribed or ordered), outside of an inpatient setting on two or more occasions within the continuous twelve month period beginning \_\_\_\_\_ and ending \_\_\_\_\_, namely on these two or more dates: (1) \_\_\_\_\_ and (2) \_\_\_\_\_, + \_\_\_\_\_ (specify all dates of failure to comply) and, as a consequence, this person’s current condition is likely to deteriorate until it is probable that the person will be a danger to self or others.
3. A summary of the person’s psychiatric history, severe mental illness, lack of capacity to make an informed medical decision, previous decompensation or deterioration and probability of dangerousness is as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. I have read the foregoing Chronic Disability Information Exhibit A, know the contents of it, and specifically incorporate it into the Certification of Qualified Mental Health Professional, by this reference.

Dated this \_\_\_\_ day of \_\_\_\_\_ (month), 20 \_\_\_\_.

\_\_\_\_\_  
QMHP Signature



A black and white photograph of a man in a suit and tie, standing and writing in a large open notebook. He is looking towards the camera with a serious expression.

# Petition for Mental Health Emergency Commitment



- Petition gets submitted to the chair of the CBMI where the individual with serious mental illness is located.
- Must be filed with the CBMI chair within 24 hours of the apprehension of the person or the person shall be released.

Find List of County Board of Mental Illness (CBMI) Chairs at:

[https://dss.sd.gov/docs/behavioralhealth/services/List\\_of\\_County\\_Board\\_of\\_Mental\\_Illness.pdf](https://dss.sd.gov/docs/behavioralhealth/services/List_of_County_Board_of_Mental_Illness.pdf)



# Board of Mental Illness Emergency Commitment (Option #1)

Law Enforcement Hold



Law Enforcement must give the person his rights both orally and in writing



QMHP Examination

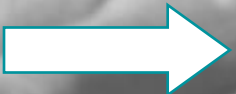


Examiner contacts BMI Chair and gives verbal report of examination, then completes written form



If exam does not meet criteria for a commitment, the person must be released by the Chair

Petition for Emergency Hospitalization completed by person with personal knowledge of behavior



## Board of Mental Illness Emergency Commitment (Option #1)

If exam and “an investigation of the petition” support criteria for a commitment, the Chair may order continuing detention and transport to an appropriate regional facility (ARF)

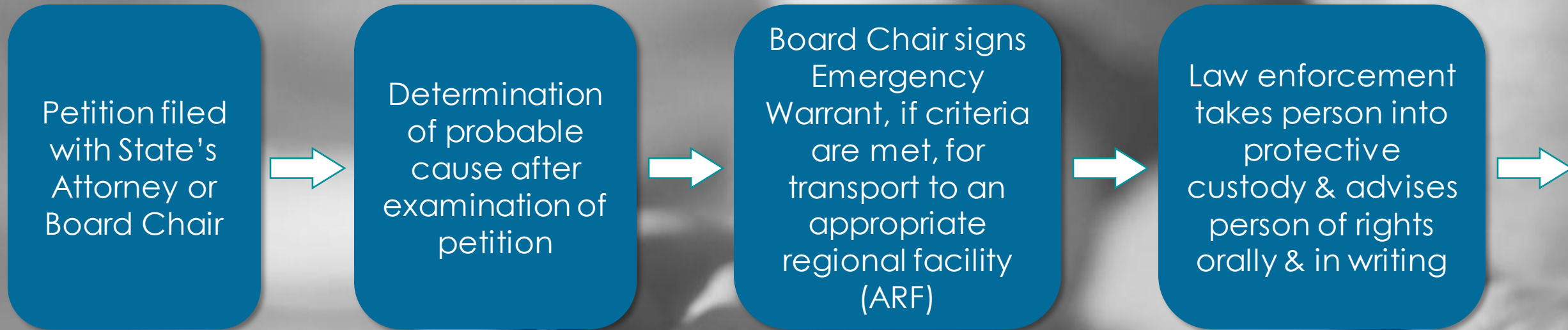


Board Chair signs  
Emergency Order for  
Detention and Notice  
of Hearing



Board Chair notifies the  
Mental Health Center  
of the emergency  
apprehension

## Board of Mental Illness Emergency Commitment (Option #2)



## Board of Mental Illness Emergency Commitment (Option #2)

Person taken to Mental Health Center or QMHP for examination. Examiner advises person of the nature & purpose of exam including the fact that it is being performed to determine whether custody should continue & that the exam may be used as evidence in an involuntary commitment hearing

Examiner contacts Chair of Mental Illness and gives verbal report of examination and completes written form

If the exam does **not** support the criteria for an involuntary commitment, the person must be released

If the exam and “an investigation of the petition” support criteria for an involuntary commitment, the Chair may order continuing detention & transport to an appropriate regional facility (ARF)

## Board of Mental Illness Emergency Commitment (Option #2)

Chair signs  
Emergency Order for  
Detention & Notice of  
Hearing



Mental Health Center  
that services the  
referring County  
notified by Chair of  
the emergency  
apprehension



## Poll #4

True or False?

Substance Use IVCs and Mental Health commitments are always to inpatient treatment.

Answer: B.) False

## Poll #5

True or False?

Substance Use IVCs and Mental Health commitments are 90 days in length.

Answer: B.) False



Who Does  
HSC Serve?

Strong families – South Dakota's foundation and our future





# Who Does HSC Serve?

## Adult Psychiatric Hospital

- Adults ages 18 to end of life

## Adolescent Psychiatric Hospital

- Adolescents ages 12 to 18th birthday

## Intensive Treatment Unit

- Adults and Adolescents
- *Highest Risk, Short Stay*
- *Return to Home Unit*

## Inpatient Substance Use Disorder Program

- Adults ages 18 and older

## Psychiatric Rehabilitation Program

## Geriatric Long Term Care Units



# How Do Patients Get to HSC?

- Involuntary Mental Illness Commitments (County & Tribal)
- Criminal Commitments
- Voluntary admissions (primarily to Substance Use program)



# Medical Clearance

- Individualized for each referral
- Factors that we look for to help determine what we are asking for
  - Chronic medical conditions
  - Suicidal behaviors (overdose on medications, attempted hanging, etc.)
  - Unknown medical/mental health history
  - Drug/alcohol use history
  - Nursing home referrals



# Notice of Rights/Hearing

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If their hold is continued, they have the right to

- an independent examination
- Hearing within 5 days; 6 days if there is a Saturday, Sunday, or Holiday; or 7 days if there is a Saturday, Sunday AND a Holiday within that time period.
- Right to counsel

# Hearings at HSC

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- Held twice a week – generally on Tuesdays and Fridays
- Appointed attorney and independent QMHP for eval
- Hearing is held in front of the Yankton Co Board of mental illness– Chair and 2 laypersons
- Release or Further Commitment

# Determination

Upon completion of the hearing, the CBMI may order the involuntary commitment of the person if the following findings are of clear and convincing evidence:

**#1**

Individual meets the Involuntary commitment criteria in SDCL§ 27A-1-2

**#2**

Individual needs and is likely to benefit from the treatment which is proposed

**#3**

The commitment is to the least restrictive treatment alternative



# Determination

## Considerations in determining the least restrictive alternative:



- Values and preferences of the person
- Environmental restrictiveness of treatment settings
- Duration of treatment
- Physical safety of the person and others
- Psychological and physical restrictiveness of treatments
- Relative risks and benefits of treatments to the person
- Proximity of the treatment program to the person's residence
- Availability of family and community resources and support.





# Provider Panel



# Why may an individual not qualify for inpatient services?

# Why might a mental health petition not go through?

Does the mental health petition process vary from county to county?

What can I do if a petition or IVC is not substantiated, or I disagree with the recommended level of care?

Why may an individual be discharged after only 1 or 2 days?

# Q&A Session

Please submit any questions you have in the chat or Q&A box!





# Contact

Human Services Center



605.668.3100



Division of Behavioral Health



605.367.5236



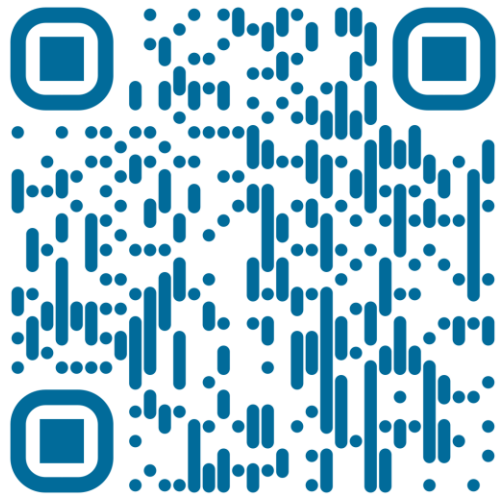
DSSBH@state.sd.us





# Thank you!

- Survey link in chat
- Slides and other related information will be sent to participants' emails



## Beyond the Curtain



### NEXT UPCOMING WEBINAR:

April 12<sup>th</sup>, 2023

### Beyond Treatment: Support Services

Register here:

<https://dss.sd.gov/behavioralhealth/resources.aspx#webinars>